

In The United States District Court
Northern District of Illinois **FILED**
Eastern Division

FEB 28 2014

MP

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Tobias G. Payton
Plaintiff,

Case: NO. 10 C 3069

V.

Judge: Harry D. Leinenweber

Kenlyn Grote, et al
Defendants,

Plaintiff's motion in
responce to Defendant's Summary
Judgment, asking for Judgment in
Plaintiff favor,

Legal Standard

Summary Judgment.

The Court shall not grant Summary Judgment where movant fails to show opposing party has no genuine issue.

In determining whether factual issues exist, the court must view all the evidence and draw all reasonable inferences in the light most favorable to the non-moving party (Plaintiff). *Weber v. University of*
621 F.3d 589.

Rule 56.

Mandates the entry of Summary Judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear burden of proof at trial.

Celotex v. Catrett 477 U.S. 317

Argument

1. Plaintiff did not receive his medication an abundant amount of times on or about March to April 2009.

2. Plaintiff has an affidavit from C/o Kirk (now L.t.) stating plaintiff was not receiving his medication from Grote.
Sec: Appendix P.2

3. C/o Kirk stated he called Grote on his Walkie talkie for Grote to bring Plaintiff his meds. Sec: Appendix P.2

4. On the day Kirk called Grote, the Mars state Plaintiff received his meds; when he did not. Sec Appendix P. 3 -10

5. That i have an affidavit from Josh Dixon, who was my neighbor in cell 628 around the time in question.
Sec: Appendix P.1

6. That plaintiff can produce an Affidavit from or, Sergio Williams as an Witness, plaintiff the cellmate

7. That plaintiff can produce an affidavit from William Neely Josh Dixon; Cell mate at time of question.

8. That on 6-23-2009. Plaintiff told Kirk that Grote refused his Medication again. See: Appendix. P. 2

9. Kirk told plaintiff to tell L. t. Nurse, who sent plaintiff to health care. See: Appendix. P. 2

10. On 6-23-2009. and 6-21-2008. The MAR's state i received my meds, which % Kirk attest to being false. See: Appendix. P. 1 and P. 3-10.

11. On 6-23-2009, Grote wrote plaintiff a ticket for giving false information stating i refused my meds, but Grote signed the Medication Administration Records (MARS); stating i received my meds. See: Appendix. P. 3-10

12. Plaintiff has a right to file grievances and report ~~stuff~~ wrong doings, without fear of being disciplined; and any so discipline is retaliation.

13. The adjustment committee know's Plaintiff can not be disciplined for writing a grievance, nor reporting ~~stuff~~ misconduct.

14. The Adjustment committee knew that F-house tower officer's Markee and Sortino, could not witness Grote Administer medication in B-house.

15. Defendant's has not denied F-house can not been from B-house.

See: Appendix P. 12-16, and all document's filed by defendant's.

16. That plaintiff has spoken to both Markee's, who stated they will testify they never spoke to the Adjustment Committee; and you can not see B-house from F-house.

17. That both Markee's said that they will come forward on Plaintiff behave, ± F Served with the Complaint; In this civil action.

18. Plaintiff file a motion four month's ago to have the Markees Served, which has not been ruled on, and still seeks service.

19. The adjustment committee has an duty to act impartial and justly, which they failed to do when they made up factitious witnesses to discipline plaintiff.
See: Appendix P. 11-16

20. Plaintiff is not complaining about the Month Commissary restriction, but the fact he was retaliated against and disciplined for writing grievances and reporting Grote denial of his meds. See: Appendix. P1-16.

21. Franklin and Johnson retaliating and giving plaintiff C-grade, still violate's his rights.

22. The Adjustment committee caused plaintiff headaches due to stress and worry, that plaintiff may face more retaliation.

23. Plaintiff never stated a claim that Bass and Shaw, failure to follow the grievance procedure violated a right under 1983.

24. Bass and Shaw violated plaintiff rights when they acted with deliberate indifference to plaintiff's serious medical needs, and turned an blind eye to plaintiff's allegations against Grote. See: Appendix, P. 1-16

25. Bass and Shaw are responsible for addressing Grote's Misconduct, Staff's Misconduct (refusal to Administer Medicine) is not a question of Medical expertise. See: Appendix P. 1-16.

26. That even if plaintiff grievance was an Medical expertise question. Bass and Shaw should not have relied on Judgment of Medical, when even a lay person can see plaintiff was receiving inadequate and inappropriate treatment. Johnson v. Doughty 933 F.3d 1001. See: Appendix. P. 1-16

27. That Grote was never told nor directed by any doctor's recommendation or diagnosis, to deny plaintiff medication for any reason.

28. That Grote admitted on 9-23-2009, She denied plaintiff his meds; because he would not get out of bed. Grote never stated plaintiff said he did not want his meds. See: Appendix, P. 17

29. Plaintiff presented Bass and Shaw with an St. Teville employee (Kirk) as a witness, that Grote was not giving plaintiff his medication; Bass and Shaw Tobis to investigate claims in grievance. 730 ± LCS 5/3-8-8.

30. Plaintiff filed Eight or More grievances, and Bass and Shaw continued to turn a blind eye; and refer non-Medical grievances to medical. See: Appendix, P. 12-16

31. Bass and Shaw is well aware that staff misconduct is not a doctor's recommendation or diagnosis, they are using this as an excuse for turning a blind eye to plaintiff's serious medical needs.

32. Plaintiff believe Bass and Shaw never read grievances, because they never addressed Margue and Zertino action's (identified as Markee and Sortino), The claim's against them were also referred to medical.
See: Appendix P. 12-16

33. Bass and Shaw failure to address the action's of the adjustment committee, Sortino, and Markee; is further evidence of there deliberate indifference. See: Appendix. P. 12-16

34. Johnson and Franklin never asked Markee or Sortino if they seen Grote stop at B-629, and Markee is willing to attest to this.

35. Johnson and Franklin made up Margue and Zertino as witnesses, to get Grote and find Plaintiff guilty.

36. That Once personal records sent Plaintiff an affidavit, stating Margue and Zertino never worked at Stateville; Defendants claimed the actual names are Markee and Sortino.

37. That at trial plaintiff can and will prove Johnson and Franklin know Markee and Sortino working F-house tower can't see B-house.

~~38.~~

38. Plaintiff's statements are true and can be proven at trial, and the presence of all the actions of Johnson and Franklin as stated by plaintiff; can only mean defendant's acted in retaliation against plaintiff.

39. That all defendant's directly participated in plaintiff being denied his medication or being retaliated against, through directly acting with deliberate indifference and turning a blind eye to plaintiff's serious medical needs; or making up fictitious witnesses to discipline plaintiff on a ticket Grote wrote in violation of plaintiff's rights.

Conclusion

Wherefore the legal standard for Summary Judgment, is for movant to show opposing party (Plaintiff) has no genuine issue. Judgment shall not be granted, for non-moving party (Plaintiff) has showed upon ponderous evidence, he has genuine issues. The courts must view all evidence in light most favorable to non-moving party (Plaintiff). If the court draws all reasonable inferences in favor of non-moving party as required, Plaintiff shall prevail.

Rule 56. Only mandates entry of Summary Judgment, against a party who fails to show sufficient evidence to establish the existence of an element essential to that party's case, which that party will bear burden of proof at trial.

Celotex v. Citrett 477 U.S. 317

Plaintiff has showed sufficient evidence under the legal standard for Summary Judgment and Rule 56, that he has genuine issues that he can prevail on. Therefore judgment shall be granted in Plaintiff's favor, and Defendant's motion denied.

Respectfully Submitted by:
[s] Tal's Pot 2-25-2014
Tobias Payton Date.

Appendix

Toshus Dixon Affidavit

P.1

C/o Kirk Affidavit

P.2

MARS chart Feb 09

P.3

Mars chart Mar 09

P.4

Mars chart Apr 09

P.5

Mars chart May 09

P.6

Mars chart Apr ~~May~~ 09

P.7

Mars chart ~~Apr/May~~ Sep 09

P.8

Mars chart Oct 09

P.9

Mars chart Nov/Dec 09

P.10

Adjustment committee Summary

P.11

Grievance #1976

P.12

Grievance #1976 Page 2

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Grievance #1976 Grievance officer/Chief Administrative Response

P.14

Liping Zheng Memorandum to grievance #1976

P.15

Administrative Review Board Response to #1976

P.16

Kenykn Grote ticket 6-23-2009

P.17



STATE OF ILLINOIS)
) SS
COUNTY OF Will)

AFFIDAVIT

I, Joshua Dixon being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

ON or about Feb. 2009 until mid Jun 2009, I was
inmate Payton's Neighbor, I was in 628 and inmate
Payton was in cell 629. I occasionally seen Nurse
Kenix stop by my cell or cell 627, call out Payton's
for med's and then leave the gallery Nurse Kenix
never actually went to inmate Payton's cell. after
a month or so, I would hear Payton yelling for
Nurse Kenix to bring his med's which she never
did. this went on for about 2 or 3 months.

Joshua Dixon
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY _____, 20____

NOTARY PUBLIC

P. 124
Payton

AFFIDAVIT

I, _____ being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

Some time in June of 2008, I witnessed inmate Payton screaming; I asked him what was wrong. Payton said Nurse Keelyn won't give him his medication, I called on my walkie-talkie for her to bring Payton his medication. Some time later I went on a gallery in b-house and inmate Payton was screaming for his medication, I told Payton to report Nurse Keelyn the cell-house L.T. That's all I know concerning these incidents, I don't know if Payton was denying his medication and starting problems or if he was being refused his medication; All I know was that Payton and Keelyn were having some kind of problems.

c/o P. J. D. #2714
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY _____, 20____

NOTARY PUBLIC

P. 2

MEDICATION ADMINISTRATION RECORD

BOSWELL HARMACY SERVICES
814-629-1397 • Fax: 814-629-7644

DATE: Feb 09

DISCONTINUE

MEDICATIONS

HOUR

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 3

Discontinue

Desyrel 150mg
+ 9 HS

Discontinue

Renewed 2/10/9 - 4/10/9

Discontinue

Celebra 400mg
+ 9 AM

Discontinue

4/10/9 Renewed 2/10/9 - 4/10/9

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

Discontinue

DATE OF BIRTH OR SOC SEC. NO. ALLERGIES

NAME AND NUMBER

1210441

FACILITY

CTA

DIAGNOSIS

AD 1210441
1210441
1210441

[illegible]

BOSWELL PHARMACY SERVICES

814-629-1397 • Fax: 814-629-7644

[illegible]

[illegible]

8

MEDICATION ADMINISTRATION RECORD

BOSWELL PHARMACY SERVICES
814-629-1397 • Fax: 814-629-7644

MEDICATIONS

HOUR

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

DATE

TIME

HYDROXYZINE PRN SOMS CAP
SUB FOR: VISTARIL 50MG CAPSUL RDOO, M9210
TAKE 1 CAPSULE BY MOUTH
AT BEDTIME X 10 WEEKS

2/23/14

CITALOPRAM HBR 40 MG TABL
SUB FOR: CELEXA 40MG TOBLET RDOO, M9210
TAKE 1 TABLET BY MOUTH IN
THE MORNING X 10 WEEKS

2/23/14

Initial Order

Discontinue

Initial Order

Discontinue

Initial Order

Discontinue

Initial Order

Discontinue

Initial Signature

AT Ballew

Initial Signature

AT Ballew

Initial Signature

AT Ballew

Initial Signature

AT Ballew

Initial Signature

AT Ballew

LOCATION

E-325

DATE OF BIRTH OR SOC SEC NO

XXXX-XX-XX

ALLERGIES

NKA

PATIENT NAME AND NUMBER

FACILITY

CHARTING FOR THROUGH

10

**STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT**

Name: PAYTON, TOBIAS IDOC Number: R10454 Race: BLK
Hearing Date/Time: 7/1/2009 11:23 AM Living Unit: STA-E-05-07 Orientation Status: N/A
Incident Number: 200901273/1 - STA Status: Final

Date	Ticket #	Incident Officer	Location	Time
6/23/2009	200901273/1-STA	GROTE, KENLYN D	B-HOUSE	11:00 AM

Offense	Violation	Final Result
303	Giving False Information To An Employee	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
No Witness Requested			

RECORD OF PROCEEDINGS

Inmate Payton present, hearing conducted. Payton states the Nurse wouldn't give him his meds.

BASIS FOR DECISION

Nurse Grote stated in her disciplinary report. Inmate Payton gave the Officer a false report stating I wouldn't give him his meds. Grote stated she stop by Payton cell to give him his medication and he stated to her "I not getting down from this bunk." Grote said she then continued on to the next cells. Grote said the F house tower is a witness to the incident that she stopped at his cell to give him his meds. Officer Zertino and Margue were in the tower and stated she did stop at his cell door. This Committee is satisfied that Payton is guilty of the indicated charge. Payton was identified by his IDOC ID card.

DISCIPLINARY ACTION (Consecutive to any priors)**RECOMMENDED**

1 Months Commissary Restriction

Basis for Discipline: Nature of Incident

FINAL

1 Months Commissary Restriction

Signatures**Hearing Committee**

FRANKLIN, JOHNNIE L - Chair Person

JOHNSON, BILLY E

Recommended Action Approved

Signature	Date	Race
	07/01/09	BLK
	07/01/09	BLK
	Date	Race

Final Comments: N/A

MARCUS HARDY / MR 7/8/2009

Chief Administrative Officer

07/06/09

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

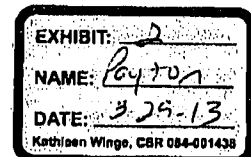
CLEO JOHNSON

Employee Serving Copy to Committed Person

7/6/2009

02:00 PM

When Served -- Date and Time



P.M.

E-3-25
8-10-09

"Attention"
"Attention"
Grievance Officer

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Date: *8-10-09* Offender: *Tabreas Payton* ID#: *R184501*

Present Facility: *Stateville* Facility where grievance occurred: *Stateville*

NATURE OF GRIEVANCE:

☐ Personal Property ☐ Mail Handling ☐ Restoration of Good Time ☐ Disability

☒ Staff Conduct ☐ Dietary ☒ Medical Treatment ☐ HIPAA

☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator ☐ Other (specify):

☐ Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____

Notes: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:

Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.

Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.

Chief Administrative Officer, only if EMERGENCY grievance.

Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: *Nurse Kenlyn Grote refused to give me my physical meds for two months I wrote a grievance back in March or April reporting Kenlyn's negligence, and in professional conduct, that grievance was never responded to. On June 19, 2009 Kenlyn Grote didn't give me my meds upon yelling for my meds c/o Kirk came on the gallery at which time I explained my problem has been going on for two months, C/O Kirk called nurse Kenlyn to bring my meds which she refused. Nurse Kenlyn didn't bring me my meds on June 22, 2009; C/O Kirk told me to report her to the Nurse if I have*

Relief Requested: *the proper disciplinary action taken against Nurse Kenlyn Grote and C/Os Zertino, and Nargue.*

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Offender's Signature: _____ ID# _____ Date _____

(Continue on reverse side if necessary)



Date Received: *8-20-09*

☐ Send directly to Grievance Officer ☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 18277, Springfield, IL 62794-8277

Response: *inmate's grievance is related to medical treatment and will be forwarded to HCU for review*

Charles *8-20-09*

Print Counselor's Name: _____ Counselor's Signature: _____ Date of Response: _____

EMERGENCY REVIEW

Date Received: _____

Is this determined to be of an emergency nature?

Per MMR Resident is getting his
RECEIVED
meds on daily basis
N. Nappalant 9/8/9

☐ Yes; expedite emergency grievance

☐ No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.

DEC 14 2009 Chief Administrative Officer's Signature: _____ Date: _____

OFFICE OF
DATE ISSUES

Page 1

Revised Paper

DOC 0046 (Rev. 3/2006)

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

L.O.T Nurse sent me to health care on June 22, 2008 to get my meds. Nurse Kenlyn refused to give me my meds because she said I refused them. On or about June 24, 2008 I received a ticket that Kenlyn wrote on me, saying I gave false information to a officer. I never give false information or refused my medication, I have multiple witnesses that seen nurse Kenlyn actions and will testify she refused me my meds every time she passed them out for two months. I was found guilty on the ticket Nurse Kenlyn wrote on me because the adjustment committee state that C/O's Zertino and Margue said they seen and heard me refuse my meds, but what the adjustment committee C/O Margue and Zertino failed to realize is that I was housed in B-house when Kenlyn refused me my meds, and Zertino and Margue were working in F-house tower on the day of this incident. In a response to a grievance I wrote on Kenlyn on 7-29-09, counselor Harris responded that health care said I've been receiving my meds as prescribed; then if that be true why hasn't nurse Kenlyn been reporting that I refused my meds over this two month periods. Why didn't she report on July 19 and 22, 2008, that I refused my meds. I never refused my meds and the only time I received them during the two months in question is when nurse Kenlyn wasn't working. C/O's Zertino and Margue lied to the adjustment committee about me refusing my meds, and I have witnesses that will state they lied, also I have the report that says they were working in F-house tower that days. Even if this incident occurred in F-house there's no way C/O Zertino and Margue could see and hear my tell nurse Kenlyn I don't want my meds. Nurse Kenlyn refused me my meds for months, and C/O's Zertino and Margue made false statements that caused me to be disciplined unjustly, and they should be disciplined for there unprofessional conduct.

RECEIVED

DEC 14 2009

OFFICE OF
INMATE ISSUES
Distribution: Master File, Director

Page 2

Printed on Recycled Paper

DOC 0046 (Rev. 3/2008)

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ILLINOIS DEPARTMENT OF CORRECTIONS
RESPONSE TO COMMITTED PERSON'S GRIEVANCE

E325

Grievance Officer's Report

Date Received: September 11, 2009

Date of Review: October 29, 2009

Grievance #: 1978

Tobias Payton

R10454

Nature of Grievance: Medical TX

*** FILED TIMELY ***

Facts Reviewed: Grievant states that he has been denied his physic meds for allegedly two months

Grievance written: 8/10/09

Sent to HCU: 8/20/09

Per Liping Zhang, MD; The writer reviewed the offender medical records. Per MARS the offender is getting his psychiatric medications on a daily basis.

This Grievance Officer has no medical expertise or authority to contradict the doctor's recommendation/diagnosis. It appears that inmates medical needs have been addressed and met.

Recommendation: No further recommendations necessary.

Shawn Bass CCH

Print Grievance Officer's Name

Grievance Officer's Signature

(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)

Chief Administrative Officer's Response

Date Received: 11/18/09

☒ I concur☐ I do not concur☐ Remand

Comments:

Chief Administrative Officer's Signature

Date

Committed Person's Appeal To The Director

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 18277, Springfield, IL 62794-8277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)

RECEIVED

DEC 14 2009

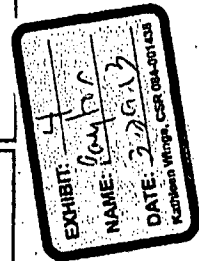
Committed Person's Signature

ID#

Date

OFFICE OF
INMATE ISSUES

Distribution: Master File; Committed Person

DOC 0047 (Rev. 10/2001)
(Replaces DC 5637)

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Illinois
Department of
Corrections

Pat Quinn
Governor

Michael P. Randle
Director

Stateville Correctional Center / Rt. 53 / P.O. Box 112 / Joliet, IL 60434 / Telephone: (815) 727-3607 / TDD: (800) 626-0844

MEMORANDUM

Date: September 8, 2009

From: Liping Zhang

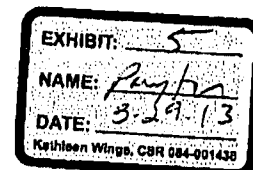
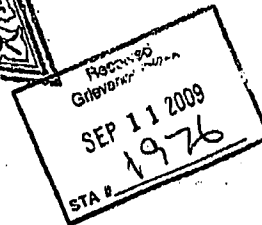
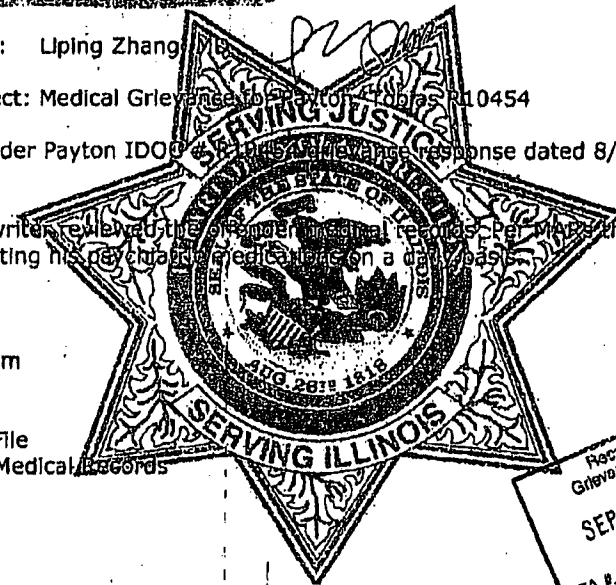
Subject: Medical Grievance to Payton ID# 10454

Offender Payton ID# 10454 grievance response dated 8/10/09.

The writer reviewed the offender medical records. Per MARS the offender is getting his psychiatric medications on a daily basis.

LZ:mlm

CC: File
Medical Records



RECEIVED
DEC 14 2009
OFFICE OF
INMATE ISSUES

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Illinois
Department of
Corrections

PAT QUINN
Governor

MICHAEL P. RANDLE
Director

1301 Concordia Court / P.O. Box 18277 / Springfield, IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

April 20, 2010

Tobias Payton
Register No. R10454
Stateville Correctional Center

Dear Mr. Payton:

This is in response to your grievance received on December 14, 2009, regarding Medical and Staff Conduct (Nurse Kenlyn Grote denying your psychiatric medication and Stateville chain of command), which was alleged to have occurred at Stateville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

This office has reviewed your written grievance dated August 10, 2009. You state that Nurse Kenlyn Grote is denying you your psychiatric medication. You believe you are being held illegally in Segregation. You state that the Stateville chain of command will not deal with your grievances, notably one dealing with Legal Mail.

The Grievance Officer's Report (1976) and subsequent recommendation dated September 11, 2009 and approval by the Chief Administrative Officer on November 12, 2009 have been reviewed.

Based on a total review of all available information and in accordance with DR504.850 it is the opinion of this office that the grievance has been ruled mixed. Due to MARS records reflecting that you are being given your psychiatric medications on a daily basis this issue has been ruled no merit. With reference to you currently being held illegally in Segregation; 6 months Segregation was the discipline from a February 2010 disciplinary report you received while at Stateville. It would appear that Stateville chain of command is properly handling your grievances. As this is the second grievance this office has dealt with. The issue legal mail was previously addressed on grievance number 2130 on March 12, 2010 by this office.

FOR THE BOARD:

Gina Allen
Gina Allen
Administrative Review Board
Office of Inmate Issues

EXHIBIT:	6
NAME:	Payton
DATE:	3-29-13
Kathleen Wingo, CSR 084-001430	

CONCURRED:

Michael P. Randle
Michael P. Randle
Director

cc: Warden Marcus Hardy, Stateville Correctional Center
Tobias Payton, Register No. R10454

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1273/1

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Report
ST-76VILLE
Facility

STA-B-6-29

Date: 6/23/09

Type of Report:
☒ Disciplinary ☐ InvestigativeOffender Name: Payton, TobiasID #: R10454Observation Date: 6/23/09 Approximate Time: 11:00 ^{a.m.}_{p.m.} Location: HCUOffense(s): DR 504: 303 Giving False Information

Observation: (NOTE: Each offense identified above must be substantiated.) ON THE ABOVE DATE AND APPROX TIME ILM R10454 VIOLATED 303 WHEN HE GAVE FALSE INFORMATION TO SECURITY. AT APPROX 9:00 AM WHEN THIS WRITER STOPPED AT CELL 8629 TO GIVE ILM R10454 HIS MORNING MEET HE STATED "I AM FIT TO GET OFF THE TOP BUNK" WHICH CONTINUED WITH HIS ALLEGATION OF GAVE FALSE INFO WHEN HE TOLD SECURITY HE DID NOT GET HIS MEET. WHEN ILM REFUSED TO COME DOWN OFF THE TOP BUNK HE WAS ALSO COMPLAINT WITH THE PROCEEDING FOR MISCONDUCT ADMINISTRATION. EOR

Witness(es): CAT WALK CO.☐ Check if Offender Disciplinary Confirmation Page, DOC 0315, is attached to describe additional facts, observations or witnesses.

Nobate, M Reporting Employee (Print Name) Pay Badge # 6/23/09 11:50 ^{a.m.}_{p.m.} Date Time

Disciplinary Action:

Shift Review: ☐ Temporary Confinement ☐ Investigative Status Reasons:

Printed Name and Badge #

Shift Supervisor's Signature
(For Transition Centers, Chief Administrative Officer)

Date

Reviewing Officer's Decision: ☐ Confinement reviewed by Reviewing Officer Comment:☒ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge #

Reviewing Officer's Signature

Date

☒ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only)

Print Hearing Investigator's Name and Badge #

Hearing Investigator's Signature

Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports
You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports
You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, listing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a statement. You may request a reasonable extension of time to prepare for your hearing.

☒ Check if offender refused to signS. Brown
Serving Employee (Print Name)

Offender's Signature

2793
Badge #6-25-09
Date Served8:10
Time Served☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

Distribution: Master File
Offender's
Facility (2)

Page 1 of 1
Printed on Recycled Paper

DOC 0317 (Rev. 2/2007)

EXHIBIT: 1
NAME: Payton
DATE: 3-24-13
Kathleen Wingo, CBR 084-001438

P.17

United States District Court
Northern District of Illinois
Eastern Division

Tobias Payton
Plaintiff/Petitioner

Vs.

Kenlyn Grote et al.
Defendant/Respondent

No. 10-C-3069

PROOF/CERTIFICATE OF SERVICE

TO: U.S. District Clerk
219 S. Dearborn St.
Chicago, IL 60601

TO: Christopher E. Walter
100 W. Randolph St. 13th Fl
Chicago, IL 60601

PLEASE TAKE NOTICE that on 2-25-, 2014, I placed the attached or enclosed documents in the institutional mail at Stateville Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service.

DATED: 2-25-2014

/s/ Tobias Payton
NAME: Tobias Payton
I.D.O.C.#: R10451
Stateville Correctional Center
P.O. Box: 12
Joliet, IL 60434

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public